

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

WILLIAM CUNNINGHAM,

Plaintiff,

v.

CIVIL ACTION NO. 6:07-cv-00314

UNITED STATES,

Defendant.

MEMORANDUM OPINION AND ORDER

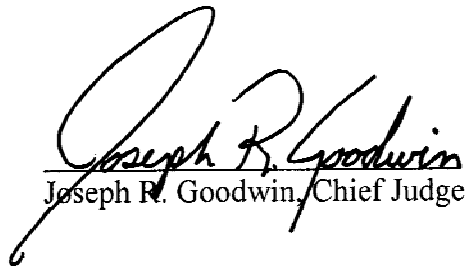
Pending before the court is the petitioner's "Petition for Judicial Review." This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court dismiss the petitioner's Petition and deny the petitioner's Application to Proceed *in forma pauperis*. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DISMISSES** the petitioner's Petition for Judicial Review, and **DENIES** the Application to Proceed *in forma pauperis*.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 18, 2008



Joseph R. Goodwin, Chief Judge